IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 16736 of 2006

Dated 20th September, 2006

Between

Smt. Rahmath Bee

…Petitioner

and

Osmania University, rep. By its Deputy Registrar,
Administration, OU Campus, Hyderabad.

….Respondent.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 16736 of 2006

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus, to declare the action of the respondent in not providing appointment on compassionate grounds to her son as illegal and arbitrary, and, for consequential direction to the respondent to appoint her son forthwith on compassionate grounds.

Heard the learned Counsel on both sides.

The petitioner's husband, Sri Shaik Chand, who was working as Kamati in the department of Zoology in the respondent-University College of Science, died on 10-2-1999 while he was in service. After the death of the said employee, the petitioner herein

approached the respondent seeking employment on compassionate grounds to one Sri Shaik Jahangir, stating that he is their son. Initially, the claim was rejected on the ground that the said Shaik Jahangir is not the son of the deceased employee. When the petitioner further made representation, the respondent communicated the petitioner to seek declaration from the competent civil court to consider her case. Subsequently, it is stated, the petitioner had filed suit in O.S.No. 6481 of 2004 in the Court of the learned X Junior Civil Judge, City Civil Courts, Hyderabad, and obtained declaration. But however, it is to be noticed that University is not made party in the said suit. It is the grievance of the petitioner that though representation dated 8-2-2006 is submitted along with a copy of the judgment and decree passed by the civil court in O.S.No. 6481 of 2004, no action is being taken to appoint her son on compassionate grounds.

The decree passed in O.S.No. 6481 of 2004 is an *ex parte* decree and the University is not even made as party-defendant in the said suit. In view of the same, it is always open for the respondent-University to verify the genuineness of the claim of the petitioner for extending the benefit of employment on compassionate grounds. The scheme of compassionate appointment is mainly intended to benefit the kith and kin of the employees who die while in service, in harness. In absence of the University being a party to the suit, the petitioner is automatically not entitle for appointment on compassionate grounds, unless the petitioner proves the claim to be genuine.

As much as representation of the petitioner dated 8-2-2006 is still pending consideration, I dispose of the Writ Petition directing

the respondent to consider the representation of the petitioner dated 8-2-2006 for extending the benefit of appointment to the son of the deceased employee on compassionate grounds. However, it is made clear that it is open for the respondent to enquire into genuineness of the claim of the petitioner. It is also open to the petitioner to file any other documents ,apart from the decree obtained from the Civil Court, in proof of her claim that Shaik Jahangir, for whom compassionate appointment is sought, is the son of the deceased employee. The respondent shall take appropriate decision and communicate the same to the petitioner, within a period of two months from the date of receipt of this order.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 20-09-2006.
Msnr.